

THE ORDER TO ADOPT THE PROPOSED ACTION

EXPRESS TERMS

Title 13, Article 3.0, Sections 155.00 through 155.10

Vehicle Registration and Titling

DEFINITIONS

§155.00. Definitions

As used in this Article, the following definitions shall apply:

- (a) An unrecovered total loss vehicle is a stolen vehicle ~~which~~ that is not recovered within 60 days of the date the theft of the vehicle is reported to the police.
- (b) A constructive total loss vehicle is ~~any~~ a vehicle meeting the conditions set forth in Section 544 of the Vehicle Code defining a total loss salvage vehicle.
- (c) A nonrepairable vehicle is a vehicle meeting the conditions set forth in section 431 of the Vehicle Code.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; Section 1651, Vehicle Code. Reference: Sections 431, 11515 and 11515.2, Vehicle Code; and Section 10902, Revenue and Taxation Code.

§155.02. Vehicle License Fee Refund Requirements

- (a) Prior to the submission of a vehicle license fee refund request for an unrecovered total loss vehicle, the following conditions shall be satisfied:
 - (1) The vehicle shall be registered in the name of the owner of the salvage value of the total loss vehicle in accordance with section 5902 of the Vehicle Code.
 - (2) Sixty (60) days shall have elapsed from the date the theft of the vehicle was reported to the police.
- (b) Prior to, or at the same time as, the vehicle license fee refund request is submitted for a constructive total loss or nonrepairable vehicle, the requirements of section 11515 or 11515.2 of the Vehicle Code shall be satisfied.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; and Section 1651, Vehicle Code. Reference: Sections 9868, 11515, 11515.2 and 42231, Vehicle Code and Section 10902, Revenue and Taxation Code.

§155.04. Application for a Vehicle License Fee Refund.

- (a) The application for the refund of the remaining portion of the vehicle license fee for an unrecovered total loss vehicle shall be submitted to the department on ~~the~~ an Application for Vehicle License Fee Refund, Side Part A, Unrecovered Total Loss Vehicle, Form ~~form~~, [REG 65 ~~(12/90)~~ (11/2003)], ~~provided by the department~~ and shall contain ~~all~~ of the following information:

- (1) The vehicle license plate number, vehicle identification number, year model, and vehicle make of the unrecovered total loss vehicle.
- (2) The month, day and year of the vehicle theft.
- (3) The month, day and year ~~of the report~~ of the vehicle theft report and the name and location of the police ~~to which~~ where the theft was reported.
 - (A) A copy of the police vehicle theft report shall be submitted to the department with the application for a refund for an unrecovered total loss vehicle when a Department of Justice stolen vehicle update is not included in the vehicle report of the department.
- (4) A ~~certification~~ declaration under penalty of perjury signed by the applicant under penalty of perjury under the laws of the State of California that ~~all~~ the information entered by the applicant is true and correct.
- (5) The true full name(s) and address of the registered owner(s) of record at the time the vehicle was stolen.
- ~~(5)(6) The signature of the applicant and the date of the signature of the applicant signed.~~
- (b) The application for the refund of the remaining portion of the vehicle license fee for a constructive total loss or nonrepairable vehicle shall be submitted to the department on ~~the an~~ Application for Vehicle License Fee Refund, Side Part B, Constructive Total Loss, or Nonrepairable Vehicle, Form form, [REG 65 ~~(12/90)~~ (11/2003)], ~~provided by the department~~ and shall contain ~~all of~~ the following information:
 - (1) The vehicle license plate number, vehicle identification number, year model, and vehicle make of the constructive total loss or nonrepairable vehicle.
 - (2) The month, day and year the constructive total loss or nonrepairable vehicle was wrecked, destroyed or damaged by a single event.
 - (3) The true full name(s) and the address of the registered owner(s) of record at the time the vehicle was wrecked, destroyed or damaged.
 - (4) A ~~declaration~~ certification signed under penalty of perjury under the laws of the State of California by the registered owner(s) of record named in subdivision (3) ~~which is signed under the penalty of perjury~~ that he and/or she was not cited or convicted of one or more violating violations pursuant to section 23152 or section 23153 of the Vehicle Code which relating relates to driving under the influence of alcohol or drugs, or pursuant to section 23103 of the Vehicle Code as specified in section 23103.5 of the Vehicle Code which involves a substitute (plea) for an original citation of driving under the influence in connection with the loss of the vehicle described in the application.

- (A) If the registered owner of record named in subdivision (3) was cited under any of these code sections, acceptable proof of the dismissal of the citation or a finding of not guilty shall be submitted to the department with the application.
- (B) Acceptable proof shall be defined as a court abstract form (DL106R), a magnetic tape court abstract, a letter from a court on court letterhead, a departmental phone slip signed or initialed by the department employee who initiated the telephone call, or departmental microfilm or microfiche documentation.
- (5) A certification ~~under penalty of perjury signed~~ by the registered owner(s) of record named in subdivision (3) under penalty of perjury under the laws of the State of California that all the information entered on the application by the owner(s) is true and correct.
- (6) The signature(s) and the date ~~of the signature(s) signed by~~ of the registered owner(s) of record named in subdivision (3).
- (7) The true full name and address of the applicant who is the owner of the salvage value of the vehicle.
- (8) A certification ~~under penalty of perjury signed~~ by the applicant under penalty of perjury under the laws of the State of California that ~~all~~ the information entered by the applicant is true and correct.
- (9) The signature of the applicant and ~~the date of the signature of the applicant signed.~~
- (c) The application for a refund of the remaining portion of the vehicle license fee for a total loss vehicle shall be received by the department within three (3) years after the date the vehicle license fees were paid.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; and Section 1651, Vehicle Code. Reference: Sections 9868 11515 and 11515.2, Vehicle Code and Section 10902, Revenue and Taxation Code.

§155.05. Application for Salvage or Nonrepairable Vehicle Certificates.

- (a) In addition to the requirements specified in Section 11515 and 11515.2 of the Vehicle Code to obtain a salvage certificate for a constructive total loss vehicle, an Application for Salvage Certificate or Nonrepairable Vehicle Certificate form [REG 488C (REV 10/2003)] shall be submitted to the department and shall contain the following:
 - (1) The vehicle description, including the vehicle license number, make, year, vehicle identification number, the state of last known registration, and the date registration expires.
 - (2) The insurance claim number, if available.
 - (3) The cost/value of the vehicle as determined either by the insurance company's payoff or the purchase price from the previous owner.

- (A) The cost/value shall not be required when the application is for a duplicate salvage certificate.
- (4) The date the vehicle was wrecked or destroyed.
- (5) The date the vehicle was stolen.
- (6) The date the vehicle was recovered if stolen.
- (7) A statement signed and dated by the applicant or authorized agent to certify that the described vehicle is a total loss salvage, that a properly endorsed certificate of ownership document or documents are attached, and a request for a salvage certificate.
 - (A) If the properly endorsed certificate of ownership or other appropriate evidence of ownership cannot be secured, a Statement of Facts form [REG. 256 (REV. 1/2003)] explaining why the title cannot be obtained must be submitted.
 - (B) When a certificate of ownership or other evidence of ownership is not attached, then a surety bond pursuant to Section 4157 of the Vehicle Code in the amount of the cost/value of the vehicle shall be required if the insurance payoff plus the salvage value is \$5,000 or more. A surety bond is also required when settlement is made to the legal owner of a vehicle without the release of the registered owner unless repossession documentation is attached.
- (8) The name and address of the insurance company or applicant.
- (9) The California Driver License or Identification Card number if the applicant is an individual and not a business or an agent.
- (10) If applicable, the agent's name and occupational license number when the agent is licensed by the department.
- (b) In addition to the requirements specified in Section 11515.2 of the Vehicle Code to obtain a nonrepairable vehicle certificate for a vehicle, an Application for Salvage Certificate or Nonrepairable Vehicle Certificate form [REG 488C (REV 10/2003)] shall be submitted to the department and shall contain the following:
 - (1) The vehicle description, including the vehicle license number, make, year, vehicle identification number, the state of last known registration, and the date registration expires.
 - (2) The insurance claim number, if available.
 - (3) The cost/value of the vehicle as determined either by the insurance company's payoff or the purchase price from the previous owner.
 - (A) The cost/value shall not be required when the application is for a duplicate nonrepairable certificate only.
 - (4) The date the vehicle was wrecked or destroyed.
 - (5) The date the vehicle was stolen.

- (6) The date the vehicle was recovered if stolen.
- (7) An indication of whether the nonrepairable condition pursuant to Vehicle Code section 431 was due to a surgical strip, a complete burn, or declared nonrepairable by the owner.
- (8) A statement signed and dated by the applicant or authorized agent certifying that the described vehicle is a nonrepairable vehicle, that properly endorsed ownership documents are attached, and requesting a nonrepairable vehicle certificate to be issued.
- (9) The name and address of the insurance company or applicant.
- (10) The California Driver License or Identification Card number if the applicant is an individual and not a business nor an agent.
- (11) If applicable, the agent's name and occupational license number when the agent is licensed by the department.
- (c) The License Plate Disposition Certification Section shall be completed with original applications for salvage and nonrepairable vehicle certificates and shall contain the following:
 - (1) An indication by the applicant certifying that the license plates assigned to the vehicle either are being surrendered, have been lost, have been destroyed by an occupational licensee, or are special plates retained by the owner.
 - (2) If the plates are surrendered, the applicant shall indicate the number of plates surrendered.
 - (3) If the plates were destroyed by an occupational licensee, the occupational license number shall be indicated.
- (d) A statement signed and dated by the applicant certifying under penalty of perjury under the laws of the State of California that the information provided on the application is true and correct.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; and Section 1651, Vehicle Code. Reference: Sections 9868, 11515 and 11515.2, Vehicle Code and Section 10902, Revenue and Taxation Code.

§155.06. Surrender of License Plates.

- ~~(a) The license plates assigned to a constructive total loss vehicle shall be surrendered to the department with the application for a refund.~~
 - ~~(1) When the license plates are lost, stolen or destroyed, the applicant for a refund shall submit a written statement, signed under the penalty of perjury, certifying as to the disposition of the license plates.~~

~~NOTE: Authority cited: Section 10902, Revenue and Taxation Code. Reference: Section 10902, Revenue and Taxation Code.~~

§155.08. Vehicle License Fee Refund Calculations.

- (a) The amount of the vehicle license fee refunded for an unrecovered or constructive total loss or nonrepairable vehicle shall be based on one-twelfth of the annual vehicle license fee for each full month that remains until the vehicle registration expires.
 - (1) The number of full months remaining shall be calculated from the date of loss of the vehicle through the registration expiration date. A portion of each full month that remains until registration expires shall not be considered a full month when calculating the number of remaining months.
- (b) An administrative fee ~~of seven dollars (\$7)~~ pursuant to Vehicle Code section 11515.2(d) shall be deducted from the refund amount.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; and Section 1651, Vehicle Code. Reference: Sections 9868 and 11515.2, Vehicle Code and Section 10902, Revenue and Taxation Code.

§155.10. Repayment of the Refunded Vehicle License Fee.

- (a) When a refund is received for an unrecovered total loss vehicle which is subsequently recovered in the same registration year for which the refund was received, the current owner shall return the amount of the vehicle license fee refunded per section 155.08(a) of these regulations.
 - (1) When the repayment is not received by the department prior to the subsequent renewal of the registration, the renewal fees will include the amount of the vehicle license fee refunded per section 155.08(a) of these regulations.
- (b) When a refund is received for a constructive total loss vehicle which is subsequently repaired and reregistered in the same registration year for which the refund was received, the registration fees shall include the amount of the vehicle license fee refunded per section 155.08(a) of these regulations.

NOTE: Authority cited: Section 10902, Revenue and Taxation Code; and Section 1651, Vehicle Code. Reference: Sections 9868, 11515 and 11515.2, Vehicle Code; and Section 10902, Revenue and Taxation Code.